

REMARKS**Paragraphs 1-3 of the Office Action**

Claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S.

- 5 Patent Number 4,838,356 to Akatsu in view of U.S. Patent Number 5,090,482 to Barton et al. Claims 2-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- 10 Claim 1 has been amended and now includes the limitations of as-filed claims 1 and 2. Claim 1 all claims depending therefrom are now believed to be in condition for allowance.

The applicant respectfully requests withdrawal of the rejection.

Paragraph 4 of the Office Action

- 15 Claim 8 is allowed.

New Claims

- 20 New claims 9-15 have been added to vary the scope of the invention. No new matter has been added and all references therein are fully supported in the specification as originally filed. In particular, independent claim 9 includes the element of a fire extinguisher. It is respectfully submitted to the Examiner that Akatsu does not show a fire extinguisher but a conduit through which fire suppression material may travel and which is already fluidly connected to the oil containing housing. Applicant does not teach such a device. The applicant is teaching a stand-alone fire extinguisher that may be
- 25 removably attached to a container. This allows for quick and easy removal and replacement of the fire extinguisher after it is had been used or has lost pressure.

- 30 Element 29 is not a valve for operating an extinguisher, as suggested by the Examiner, but is a test valve used for moving air through conduit 34 or foam through conduit 34 during the testing of the Akatsu device. The actual control for allowing the fire suppression foam through the device is element 16 and this relies on pressure, from expanding foam due to a rise in heat, so that element 24 is lifted. Whereas applicant

utilizes an openable valve on the fire extinguisher and a valve actuating assembly for engaging the openable valve, Akatsu only uses an openable valve that is opened by pressure from the foam and will be closed by back pressure from the oil. These two systems are not analogous and therefore it is believed that new claims 9-15 are in

5 condition for allowance.